

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Norfolk Division**

**NORFOLK SOUTHERN RAILWAY COMPANY'S  
MOTION TO FILE DOCUMENTS UNDER SEAL**

Pursuant to Local Civil Rule 5, Defendant Norfolk Southern Railway Company (“NSR”), by counsel, respectfully submits this Motion to Seal portions of its unredacted Memorandum in Support of its Motion to Compel Plaintiff CSX Transportation, Inc. (“CSXT”) to produce documents it has improperly withheld as wholly or partially privileged, together with the exhibits to such Memorandum, because they contain and/or reference information that CSXT has indicated is “Confidential” or “Confidential – Attorneys Eyes Only” under the Stipulated Protective Order entered in this matter. ECF No. 79, ¶ 16. In support of this Motion, NSR submits contemporaneously a nonconfidential Memorandum in Support of Motion to File Documents Under Seal. NSR has also filed herewith a Notice of Filing Sealing Motion as required by Local Rule 5(C). NSR waives oral argument on this motion. A proposed order granting the requested relief is attached as **Exhibit A**.

For the foregoing reasons, NSR respectfully requests that the Court grant its motion to seal and enter the attached proposed Order providing for the sealing of these documents.

Date: May 13, 2020

Respectfully submitted,

**NORFOLK SOUTHERN RAILWAY COMPANY**

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**CERTIFICATE OF SERVICE**

I hereby certify that on May 13, 2020, I electronically filed a copy of the foregoing with the Clerk of Court using the CM/ECF system, which sent a notification of such filing (NEF) to the registered participants as identified on the NEF to receive electronic service, including:

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